

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHN M. TOWNSEN,

Plaintiff,

v.

MS. HEBERT et al.,

Defendants.

Case No. 3:13-cv-00223-MMD-VPC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke's ("R&R") (dkt. no. 49), recommending that defendants' motion for summary judgment (dkt. no. 38) be granted. Plaintiff had until August 14, 2015 to object. (Dkt. no. 49.) To date, Plaintiff has failed to object.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
6 1226 (accepting, without review, a magistrate judge's recommendation to which no  
7 objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R  
10 and records in this case, this Court finds good cause to adopt the Magistrate Judge's  
11 R&R in full.

12 It is therefore ordered, adjudged and decreed that the R&R of Magistrate Judge  
13 Valerie P. Cooke (dkt. no. 49) is accepted and adopted in its entirety.

14 It is further ordered that defendants' motion for summary judgment (dkt. no. 38) is  
15 granted.

16 It is further ordered that the Clerk enter judgment for defendants and close this  
17 case.

18 DATED THIS 2<sup>nd</sup> day of October 2015.

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21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
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